

IN RE: PETITION FOR ZONING VARIANCE
SW/S Loreley Beach Road, 2,080'
E of the c/l of Pulaski Highway
(11314 Loreley Beach Road)
11th Election District
5th Councilmanic District
William P. Holter, Jr., et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-552-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 24 feet in lieu of the required 35 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by William P. Holter, Jr., appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 11314 Loreley Beach Road, consists of 1.13 acres zoned R.C. 2 and is improved with a one story single family dwelling, which has been the Petitioners' residence for the past 20 years. Mr. Holter testified the subject dwelling was built in 1941 and contains four bedrooms and one bathroom. Testimony indicated that Petitioners are desirous of constructing an addition to the east side of the existing dwelling to provide a bathroom for the master bedroom on the first floor, and an additional bathroom in the basement level adjacent to the club room, which will have an exterior entrance. Mr. Holter testified that the granting of the variance will have no detriment on the health, safety or general welfare of the surrounding community. In fact, he owns the adjoining property on the affected side and the neighboring home on the opposite side is occupied by Petitioner's daughter. Initially, there was a question as to whether or not the subject property was located within the Chesapeake Bay Critical Areas. Subsequent to filing

ing the Petition and the hearing, verification was obtained by the Department of Environmental Protection and Resource Management (DEPREM) that the subject property is not located in the Critical Areas.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of August, 1990 that the Petition for Zoning Variance to permit a side yard setback of 24 feet in lieu of the required 35 feet for a proposed addition in accordance with Petitioner's

Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

August 28, 1990

Mr. & Mrs. William P. Holter, Jr.
11314 Loreley Beach Road
White Marsh, Maryland 21162

RE: PETITION FOR ZONING VARIANCE
SW/S Loreley Beach Road, 2,080' SE of the c/l of Pulaski Highway
(11314 Loreley Beach Road)
11th Election District - 5th Councilmanic District
William P. Holter, Jr., et ux - Petitioners
Case No. 90-552-A

Dear Mr. & Mrs. Holter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

Chesapeake Bay Critical Areas Commission
Taxes State Office Bldg., D-4, Annapolis, Md. 21404

DEPREM

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-552-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section

1.001 30.0 IN AN R.C. 2 ZONE TO ALLOW
SETBACK FROM SIDE OF PROPERTY LINE
OF 24' INSTEAD OF 35'
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

SAC ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

William P. Holter, Jr.

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

William P. Holter, Jr.

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

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(Type or Print Name)

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William P. Holter, Jr.

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

William P. Holter, Jr.

(Type or Print Name)

Signature

Address

City and State

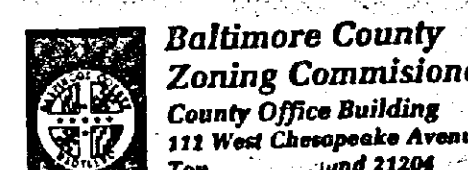
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

William P. Holter, Jr.

90-552-A

THIS ADDITION IS TO BUILD A BATHROOM FOR MASTER BEDROOM IN ORDER TO MAKE IT PRACTICAL IT NEEDS TO BE LOCATED ON SIDE OF HOUSE NEXT TO MASTER BEDROOM TO LOCATE IN ANY OTHER AREA WOULD CAUSE MAJOR CHANGE TO EXISTING HOUSE AND WOULD NOT BE PRACTICAL FROM CONT. ALSO BASEMENT AREA IS TO HAVE RESTROOM FACILITY TO BE USED FROM OUTSIDE + CLUB CELLAR AREA WHICH WOULD USE EXISTING DOOR ACCESS AND OUTSIDE WALK AND POOL AREA.

THIS ADDITION WILL ALSO GIVE BALANCE TO PRESENT HOUSE TO LOCATE IN ANY OTHER AREA WOULD MAKE IT LOOK LIKE IT WAS ADDED.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

5/13/90

PUBLIC HEARING FEES

010 - ZONING VARIANCE (IRL)

LAST NAME OF OWNER: HOLTER

QTY

1 X

PRICE

\$35.00

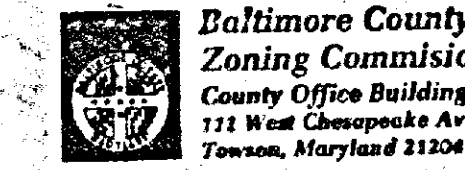
TOTAL: \$35.00

H9000396

Account: R-001-6150

Number

receipt
No 2482



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

8/17/90

PUBLIC HEARING FEES

080 - POSTING SIGNS / ADVERTISING 1 X

LAST NAME OF OWNER: HOLTER

QTY

1 X

PRICE

\$105.46

TOTAL: \$105.46

M9100128

Account: R-001-6150

Number

receipt
No 3214

ORDER RECEIVED FOR FILING

ESTIMATED LENGTH OF HEARING
15 MIN. (over)
RECEIVED FOR FILING
DATE 5-14-90

396

90-552-A

BEGINNING ON SOUTHWEST SIDE OF LORELEY
BEACH RD. LIBER 559 PAGE 189 PROPERTY #
11-08-066375 SINGLE FAMILY DWELLING ON 1.13
ACRES MORE OR LESS 11314 LORELEY BEACH RD
2080' SE OF C/L OF PULASKI HWY.

396

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 13, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 12, 1990

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case Number: 90-552-A
SW/4 Loreley Beach Road, 2080' SE of c/l of Pulaski Highway
11th Election District - 5th Councilmanic
Petitioner(s): William P. Holter, Jr., et ux
Hearing Date: Friday, Aug. 17, 1990 at 2:00 p.m.
Variance: To allow setback from side property line of 24 ft. in lieu of 35 ft.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NEAULT/OT July 12

CERTIFICATE OF PUBLICATION

July 13, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 12, 1990

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Olson
Publisher

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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NEAULT/OT July 12

PO 106141

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 22, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-552-A
SW/4 Loreley Beach Road, 2080' SE of c/l of Pulaski Highway
11th Election District - 5th Councilmanic
Petitioner(s): William P. Holter, Jr., et ux
HEARING: FRIDAY, AUGUST 17, 1990 at 2:00 p.m.

Variance to allow setback from side property line of 24 ft. in lieu of 35 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of
Baltimore County



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 6, 1990

Mr. & Mrs. William P. Holter, Jr.
11314 Loreley Beach Road
White Marsh, MD 21162

RE: Item No. 396, Case No. 90-552-A
Petitioner: William P. Holter, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Holter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
6th day of June, 1990.

J. Robert Haines
Zoning Commissioner

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: William P. Holter, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: May 23, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: William P. Holter, Jr., et ux, Item No. 396

The Petitioners request a Variance to side yard setback requirements.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

June 6, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 388, 394, 396, 397, 398, 399, 400, 403, 404, 402, 406 and 407.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw



Dennis F. Rasmussen
County Executive

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reinicke
Chief

JUNE 4, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WILLIAM P. HOLTER, JR.

Location: 11314 LORELEY BEACH ROAD

Item No.: 396 Zoning Agenda: JUNE 5, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1980 edition prior to occupancy. CHAPTER 22

REVIEWER: C. H. Reinicke, Jr. Noted and Approved: Capt. W. F. Braden
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

RECEIVED
JUN 13 1990
ZONING OFFICE



Dennis F. Rasmussen
County Executive

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 29, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for June 5, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 387, 388, 394, 395, 397, 398, 399, 400, 402, 403, 404, 406 and 407.

For Item 401, the previous County Review Group comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: August 17, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item #396
Holter Property
Chesapeake Bay Critical Area Findings

RECEIVED
AUG 27 1990

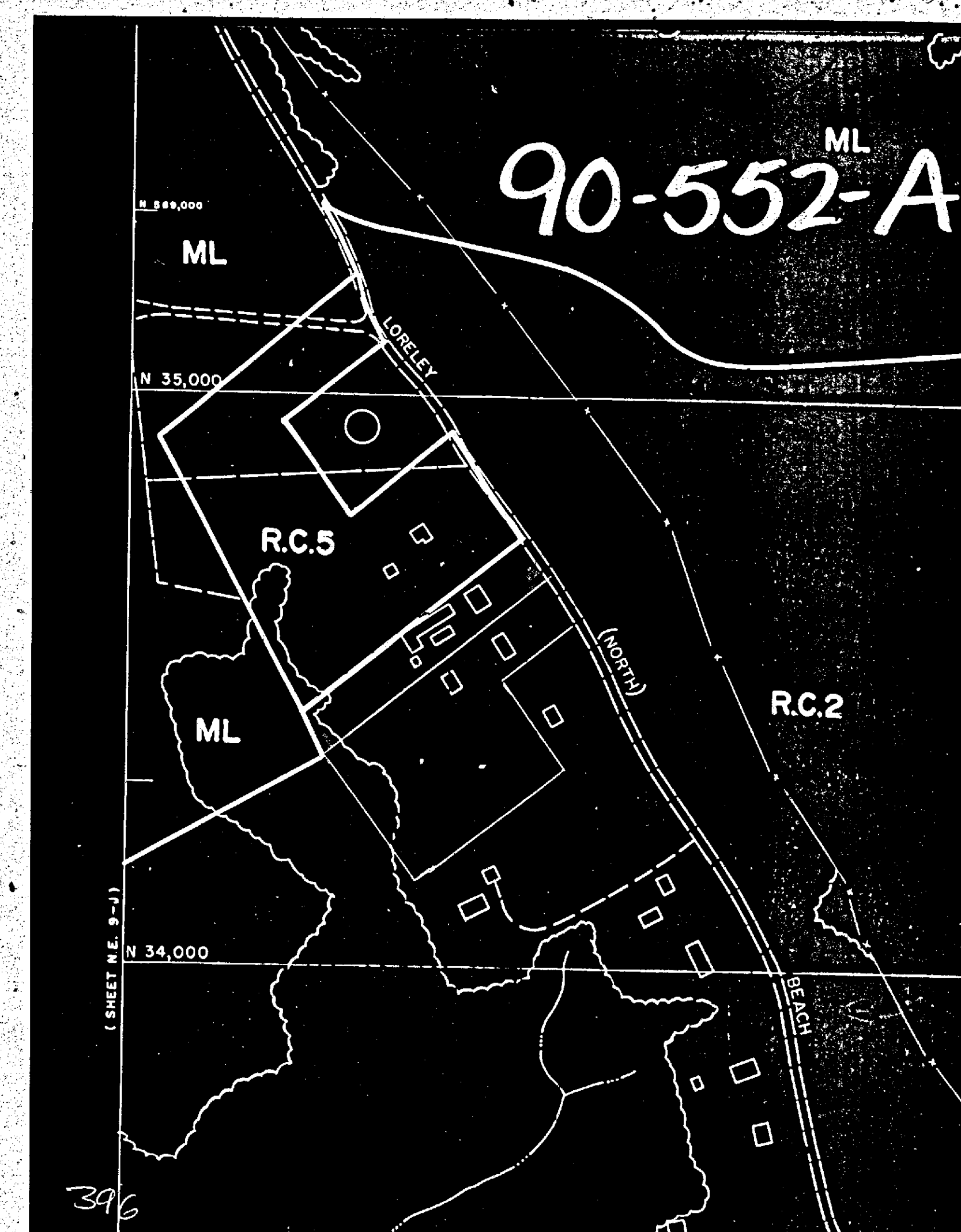
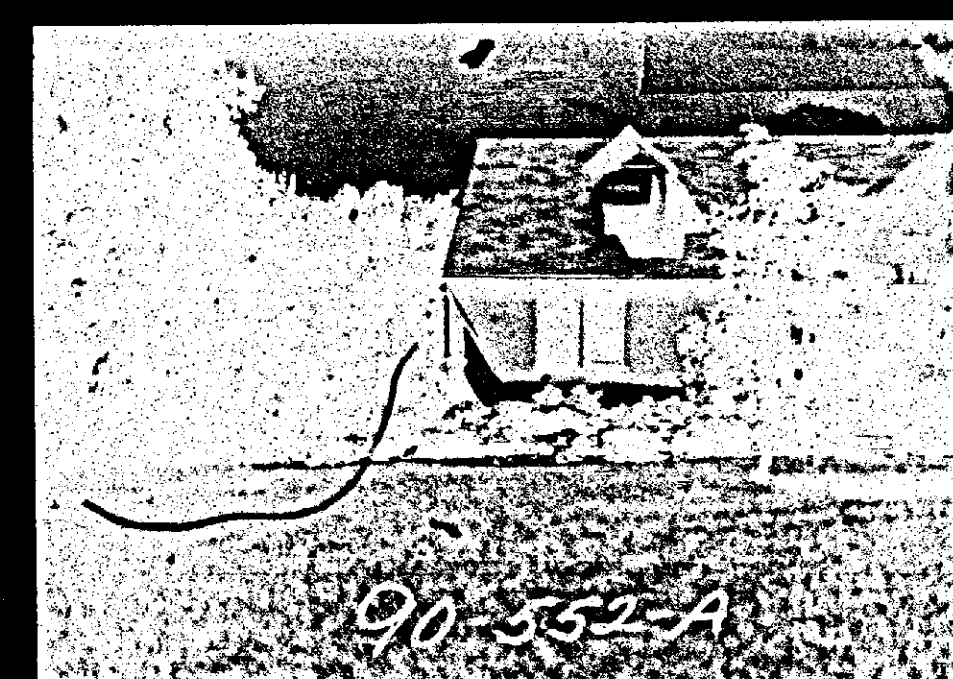
ZONING OFFICE

The subject property is located at 11314 Loreley Beach Road North. This property is not located within the Chesapeake Bay Critical Area, therefore, a Chesapeake Bay Critical Area Findings will not be required for this property.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental
Protection and Resource Management

RWS:SD:ju

cc: Mrs. Janice B. Outen
Mr. David C. Flowers

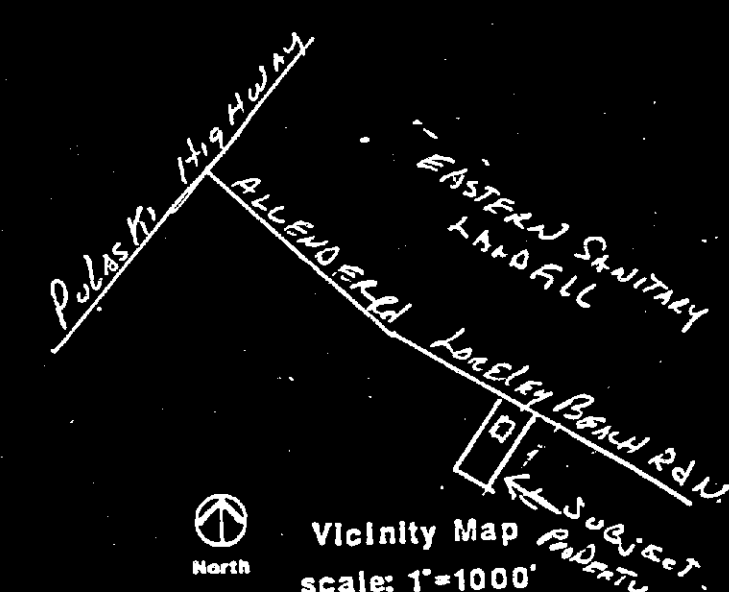
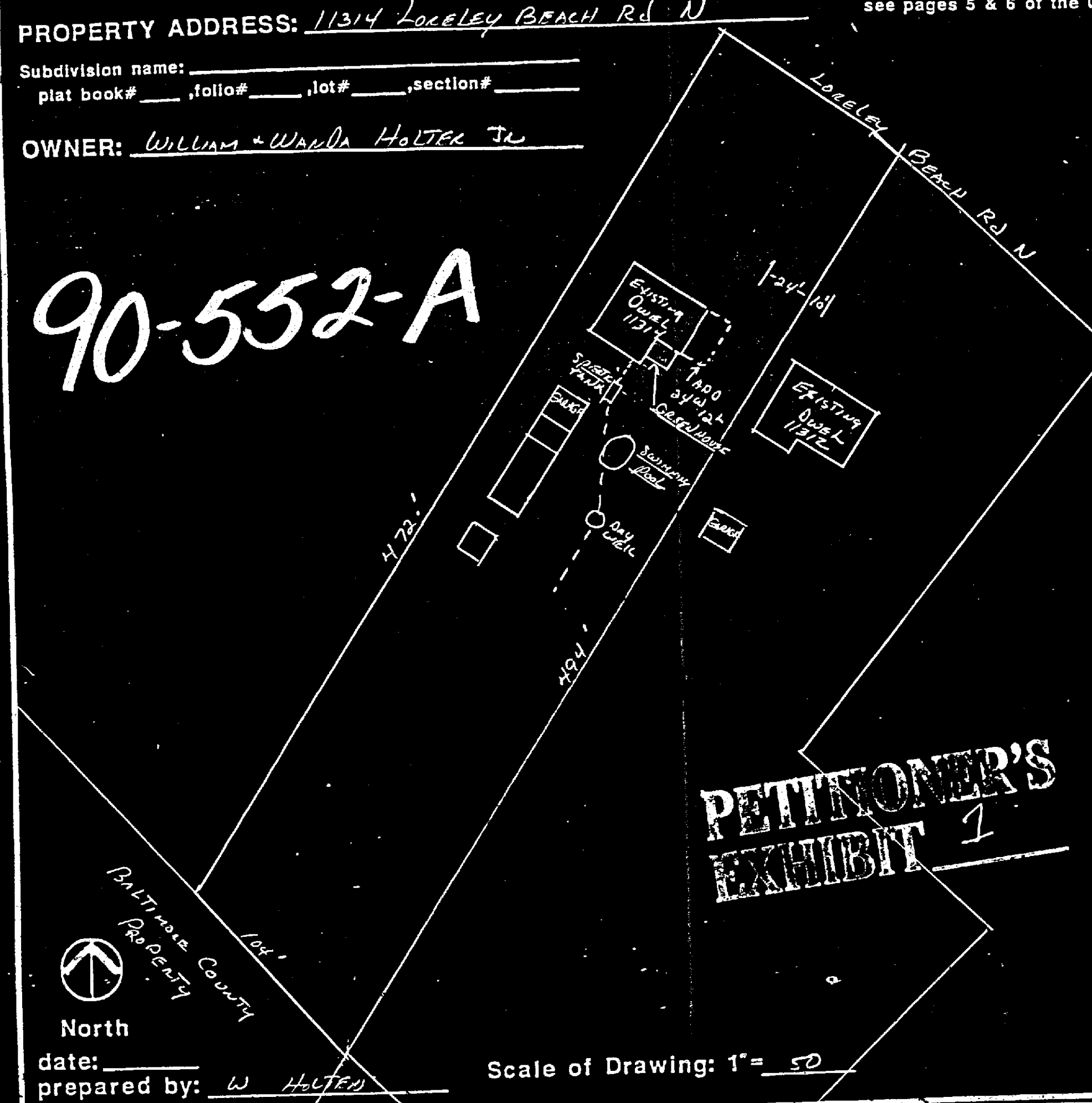


Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing
PROPERTY ADDRESS: 11314 Loreley Beach Rd N see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____
plat book# _____, lot# _____, section# _____

OWNER: William & Wanda Holter Jr.

90-552-A



LOCATION INFORMATION

Councilmanic District: 5
Election District: 11
1"=200' scale map#: NE 93
Zoning: RC.2
Lot size: 1.13 acreage square feet

Public private
SEWER: ☐ ☒
WATER: ☐ ☒
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____